HON'BLE MS JUSTICE G. ROHINI

W.P.No.19161 of 2006

Dated 15th Day of September, 2006

Between:

B. Shafiulla .. Petitioner

And

The Joint Transport Commissioner and
Secretary, State Transport Authority,
Andhra Pradesh, BRKR Buildings,
Tank Bund Road, Hyderabad ..
Respondent

O R D E R:

Aggrieved by the impugned order dated 4.8.2006 under which the request of the petitioner for release of the vehicle bearing registration No.AP02 U 7301 from the coverage of permit No.7/2000 was rejected on the ground that there is no such provision under the Motor Vehicles Act, 1988, this writ petition is filed.

When the matter is taken up for consideration, it is brought to my notice that this Court considered an identical issue in W.P.No.19514 of 2005 which was disposed of by an order dated 2.9.2005 with the following direction:

> *"Hence, the writ petition is disposed of directing that in case the petitioner insists that his vehicle be released for major repairs and he is not able to replace it with another vehicle, the respondent shall accede to such request and he may, in turn, grant transport permit on the same route in favour of the owner of another vehicle, in accordance with law. There shall be no order as to costs."*

The learned Government Pleader does not dispute the

fact that the petitioner also stands on the same footing.

Accordingly, the writ petition is disposed of with a direction to the respondent that in case the owner insists that his vehicle be released for major repairs and he is not able to replace it with another vehicle, the respondent shall accede to such request and may grant transport permit on the same route to the owner of another vehicle in accordance with law. No costs.

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15.09.2006

bcj